



1995 SENATE BILL 386

October 25, 1995 - Introduced by Senators SCHULTZ, SHIBILSKI, A. LASEE, BRESKE, RUDE, WINEKE, FARROW, MOEN, DRZEWIECKI, ANDREA, BUETTNER, MOORE, ZIEN, PETAK and WELCH, cosponsored by Representatives OURADA, HUBLER, JOHNSRUD, GRONEMUS, SERATTI, BALDUS, PROSSER, LA FAVE, KLUSMAN, BRANCEL, GREEN, OTT, SILBAUGH, GROTHMAN, GARD, HOVEN, WARD, COLEMAN, BRANDEMUEHL, LEHMAN, ALBERS, MUSSER, AINSWORTH, OWENS, URBAN, HUEBSCH, POWERS, GUNDERSON, FREESE, JENSEN, GOETSCH and HAHN. Referred to Committee on Environment and Energy.

- 1 **AN ACT to create** 144.4385 and 147.0175 of the statutes; **relating to:** exempting
2 certain fruit and vegetable washing facilities from certain permitting, plan
3 approval and licensing requirements.

Analysis by the Legislative Reference Bureau

Under current law, it is unlawful to discharge any pollutant into any waters of this state from a discernible, confined and discrete conveyance such as a pipe or a ditch without a permit issued by the department of natural resources (DNR). The permit establishes the conditions for lawful discharges and regulates, among other things, the frequency of discharges and the concentrations of pollutants discharged.

Also under current law, a person may not construct a facility for the disposal of solid waste, including garbage, refuse and liquid materials resulting from agricultural operations, without first obtaining approval of the proposed plan of operation for the facility. If the facility is constructed in conformity with the approved plan of operation, DNR issues the facility an operating license, without which the facility may not operate.

This bill allows water used to wash fruits or vegetables to be sprayed or irrigated on certain land without a permit if the wash water contains only biodegradable additives used during the washing process, dirt and other substances removed from the fruit or vegetables during the cleaning. Plant parts removed during the washing process may be composted or spread on land without obtaining a permit, license or plan approval from DNR. The bill also allows the construction and operation of a facility for the treatment, storage or disposal of wash water without submitting a plan of operation or obtaining a license from DNR.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 144.4385 of the statutes is created to read:

2 **144.4385 Exemption for certain fruit and vegetable washing facilities.**

3 **(1) DEFINITIONS.** As used in this section:

4 (a) “Storage facility” has the meaning given in s. 147.0175 (1) (a).

5 (b) “Washing station” has the meaning given in s. 147.0175 (1) (b).

6 (c) “Wash water” has the meaning given in s. 147.0175 (1) (c).

7 **(2) EXEMPTION.** No permit, license or plan approval is required under this
8 chapter for the owner of a washing station to establish, construct or operate a solid
9 waste facility for the treatment, storage or disposal of wash water or to compost or
10 land spread plant parts separated from wash water if all of the following
11 requirements are met:

12 (a) The washing station is not adjacent to or operated as part of a food
13 processing plant, as defined in s. 97.29 (1) (h).

14 (b) All wash water is either stored in a storage facility or is irrigated or sprayed
15 on land owned or leased by the owner of the washing facility in a manner which
16 avoids ponding, runoff or nuisance conditions.

17 (c) All plant parts that are separated from wash water are either composted or
18 stored in a storage facility and disposed of using an environmentally safe land
19 spreading technique. The treatment, storage, disposal or composting under this
20 paragraph must be confined to property owned or leased by the owner of the storage
21 facility.

1 **SECTION 2.** 147.0175 of the statutes is created to read:

2 **147.0175 Exemption for certain fruit and vegetable washing facilities.**

3 **(1) DEFINITIONS.** As used in this section:

4 (a) "Storage facility" means a facility, including a settling pond or lagoon, that
5 is used to store wash water.

6 (b) "Washing station" means a facility where fruits or vegetables are washed
7 or cleaned after harvesting and before further processing.

8 (c) "Wash water" means water that has been used at a washing station to wash
9 or clean fruits or vegetables and that may contain dirt or other substances removed
10 from the fruits or vegetables during the washing process or biodegradable additives
11 used during the washing process.

12 **(2) EXEMPTION.** The owner of a washing station may discharge or dispose of
13 wash water, and may land spread or compost plant parts separated from the wash
14 water, without a permit under this chapter if all of the following requirements are
15 met:

16 (a) The washing station is not adjacent to or operated as part of a food
17 processing plant, as defined in s. 97.29 (1) (h).

18 (b) All wash water is either stored in a storage facility or is irrigated or sprayed
19 on land owned or leased by the owner of the washing facility in a manner which
20 avoids ponding, runoff and nuisance conditions.

21 (c) All plant parts that are separated from the wash water are either composted
22 or stored in a storage facility and disposed of using an environmentally safe land
23 spreading technique. The disposal or composting must be confined to property
24 owned or leased by the owner of the washing facility.

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(END)